

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

Plaintiff Quinn Aaron Klein, a state prisoner appearing *pro se*, filed this action, alleging that defendants, apparently prison employees, have placed him in danger by telling other inmates that he is a snitch and has Aids/HIV. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Charles B. Goodwin, who has recommended that plaintiff be required to pay the full \$400.00 filing fee before being allowed to proceed with this action. He recommends that plaintiff's request to proceed *in forma pauperis* ("ifp") be denied because plaintiff has accumulated three strikes, *see* 28 U.S.C. § 1915(g), and has not demonstrated the required "imminent danger of serious physical injury" for *ifp* status. *Id.*¹ Specifically, the magistrate judge concluded, after reviewing the complaint, plaintiff's motion for leave to proceed *in forma pauperis* and his other filings to date that he "has not provided adequate factual detail to support his

¹The magistrate judge concluded that, while the complaint is entitled “Petition for Habeas Corpus,” the action is more appropriately construed as one brought under § 1983 rather than 42 U.S.C. § 2254 or § 2241. The court agrees.

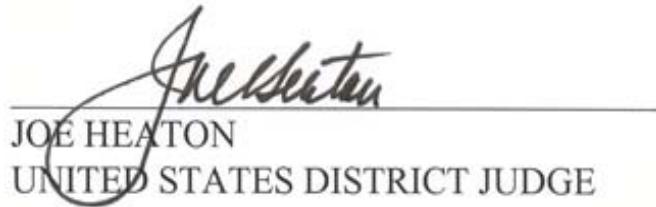
conclusory assertion that his safety is in jeopardy and indeed has recently made a statement contradicting his assertion of being in danger.” Doc. #8, p. 4.

Plaintiff objected to the Report and Recommendation. However, he failed to show that the magistrate judge erred when he concluded plaintiff had not made the necessary showing to proceed *ifp*.

Accordingly, the court adopts Magistrate Judge Goodwin’s Report and Recommendation. Plaintiff’s motion to proceed *ifp* [Doc. #6] is **DENIED**. Unless plaintiff pays the \$400.00 filing fee by **February 14, 2014**, this action will be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 22nd day of January, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE